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August 2nd, 2016 Minutes

Brookings County Planning & Zoning Commission
August 2nd, 2016 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Chair Robbins called the meeting to order at 8:00 PM. Commission members present were: Lee Ann Pierce, Robert Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Michael Vande Weerd, Randy Jensen, and alternate board members Tom Davis and Roger Erickson.

Chair Robbins read **agenda item # 2: Approval of minutes from July 5th, 2016 meeting.** Terrell Spence moved to approve the minutes. Darrell Nelson second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 3: Items to be added to agenda by commission members or staff.** No items were added.

Chair Robbins read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** No one scheduled time to address the board.

Chair Robbins read **agenda item # 5: Approval of Agenda.** Darrel Kleinjan moved to approve the agenda. Michael Vande Weerd second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 6: Executive Session: Discuss legal matters with legal counsel – SDCL 1-25-2(3) (Legal Counsel).** Lee Ann Pierce moved to go into executive session. Randy Jensen second. Chair Robbins called for a voice vote, 9-ayes, 0-nays, motion carried. Chair Robbins recessed the meeting to go into executive session at 8:02 PM. Chair Robbins reconvened the meeting at 8:06 PM. Lee Ann Pierce moved to come out of executive session. Kimberly Elenkiwich second. Chair Robbins called for a voice vote. 9-ayes, 0-nays, motion carried.

Chair Robbins stated, "We are now acting as the Brookings County Board of Adjustment", read the opening statement and **agenda item # 7: 2016var016: Danielle M. Schievelbein has made an application, 2016var016, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "E800' S580' in SE1/4 of Section 7, T109N, R48W (Parnell Township)" ~ located at 47884 216th St, Aurora, SD 57002.** Robert Rochel moved to

approve the variance request. Terrell Spence second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Ms. Schievelbein has applied for a front yard variance to build an addition onto their residence. The 24 foot wide x 38 foot long residential addition would be 87 feet from the center of 216th St and 128 feet from 479th Ave., a variance of 46 feet from 216th St and a variance of 5 feet from the center of 479th Ave. The required setback distance is 133 feet from the center of the road. The current residence was built in 1974 prior to the current zoning ordinance. The southwest corner of the current residence is approximately 58 feet from the center of 216th St and southeast corner is 75 feet from 216th St as it sits at an angle. The lay of the land and the location of the septic system are hardships to consider. Adjoining landowners and the Parnell Township Chairman and Clerk were sent letters and no comments were received regarding this request." Mr. Haugen then described the site plan using visuals. Chair Robbins asked Ms. Schievelbein to come forward and address the board. The applicant identified herself as Danielle Schievelbein and stated, "We are planning on adding on a living area and a bedroom to the northeast and doing some remodeling on the inside and put on a garage addition at an angle to the house to the north." Chair Robbins opened up for questions from the board. Chair Robbins asked if any of the existing trees would be affected. Ms. Schievelbein noted that only 3 trees would be affected. Chair Robbins asked for further comments from the board, hearing none he opened up to the audience, hearing none. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Pierce-aye, Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Robbins-aye. 9-ayes, 0-nays, Motion carried.

Chair Robbins read agenda item # 8: **2016cu016: Theresa Bennett have made an application, 2016cu016, to the Brookings County Board of Adjustment for a conditional use. Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # 18: Extended home occupations: and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 20: Home extended business.**" The property is described as: **"Collins Addition in NW1/4 of Section 4, T109N, R49W."**~~ located at **47439 214th St, Aurora, SD 57002.** Kimberly Elenkiwich moved to approve the variance request. Lee Ann Pierce second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Theresa Bennett has applied for an extended home business to be able to host events like: vendor festivals, wedding receptions, reunions, dances, etc. at their rural residence. The property is located in the Brookings City/County Joint Jurisdiction Area. The building site is 20 acres and consists of their residence, a second house, garage, pole shed and several other buildings, along with the main building where they would host events. It is a 30 feet wide x 48 feet long barn, on the west side there is a 16 feet x 48 feet enclosed lean to and on the east side there is a 28 feet x 48 feet wide open lean to with a cement floor." Mr. Haugen went over the site plan and business plan that was submitted and noted that the approximate business hours would be 9:00 AM to 12:00 AM. Mr. Haugen also noted that Brookings City Community Development Director Mike Struck, reviewed the application and had no objections to the request. Statements were read from adjoining landowner's and neighbors Norma Jensen & Rex Collins. The statements read, "I have no issues with Mike

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and Theresa Bennett having events at their farm” and was dated July 7th, 2016. Chair Robbins asked the Bennett’s to come forward and address the board. They identified themselves as Theresa and Mike Bennett. Ms. Bennett then stated, “We are having weddings, wedding receptions, we do an outdoor quilt show and we would like to do an all-day event with craft and food vendors, along with dances and music.” Chair Robbins opened up for questions from the board. Board member Elenkiwich stated, she had two questions: “1) A lot of events are in the barn area, will you be having other events in the other large open areas? 2) Is there a road agreement?” Mike and Theresa Bennett noted that the barn was the main area used but weddings had taken place in the larger open areas. Mr. Haugen stated, “The townships were contacted and we have not heard anything back as far as a road agreement.” Board member Nelson asked questions regarding: 1) contact with the Sheriff’s office and 2) road conditions to the west with the construction and a new sewer line going in. Theresa Bennett stated, “We have contacted the Sheriff’s office previously and have had no issues. But, we have not contacted them in the past before each event.” Ms. Bennett noted that the road was in better shape than in the past and was hopeful that it would improve more once the current construction in the area was completed. Board member Pierce asked questions regarding: 1) Number of events they would like to host in a year and if any events are hosted in the winter? 2) What is the largest size of group anticipated and largest number on site at one time? 3) Alcohol, do you sell or provide alcohol at events? 4) Is signage an issue? Mike and Theresa Bennett stated, “We would host 10-12 events and we don’t host events in the winter. We have hosted a wedding that was attended by 350 people and another event that was attended by 350-400 people and had no issues. We would be comfortable setting the capacity for people on the grounds at one time to be 500 people. We don’t sell any alcohol and at this time we don’t have any signage and any signs for events are only posted for one to two days of an event to give information or directions to guests.” Chair Robbins asked for further questions or comments from the board. Board member Elenkiwich asked for further descriptions regarding signs posted in the past. The Bennetts’ noted that the temporary signs are generally 1 foot x 2 feet, and they did rent a portable lighted sign that was approximately 4 feet x 4 feet for an event in the past. Board member Nelson asked, “Do you host an annual event?” The Bennetts’ stated at this time they did not. Board member Spence noted, “They do have a somewhat reoccurring event - Mollie B (Polka party) and I have attended a couple events in the past and everything is good.” Chair Robbins noted that he had a question regarding the structure itself. “Have you had the building inspected to make sure that it is structurally sound for the capacity that you have noted in the plans?” Mr. Bennett stated, “At this time they have not had it inspected in regards to capacity.” Chair Robbins opened up to the audience for questions and recognized Luke Muller from First District Association of County Governments. Mr. Muller asked, “Are there any overnight guests or campers for any of the events?” Theresa and Mike Bennett noted that in the past no one stayed on the grounds overnight and if campers were brought in it was only to serve as a dressing area for weddings. Board members also discussed strength of barn structure, insurance and setting the conditional use request time table to be valid if passed for 2 years. The Bennetts’ noted that they had no worries on the strength of the structure, they are covered by commercial type insurance coverage and were agreeable to a 2 year permit at this time. Mr. Haugen noted that the permit is under the person(s) name not tied to the land itself and would not be valid for a concert type event if they chose in the future to have such an event they would need to apply for

another conditional use for that type of event. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 9: 2016cu015: Jason Dearduff has made an application, 2016cu015, to the Brookings County Planning and Zoning Commission for a conditional use; Article 13.00: "LP" Lake-Park District: Section 13.01: Conditional Use Permit # 6: Accessory building with a side-wall greater than ten (10) feet or more than 1,000 square feet. The property is described as: "Lot 2 Summer Home Addition in Section 28, 29 & 32 T109N, R50W (Medary Township)" ~~ located at 46799 219th St, Volga, SD 57071.** Darrell Nelson moved to approve the conditional use request. Michael Vande Weerd second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Jason Dearduff has applied for a conditional use to build a 28 feet x 52 feet x 10 feet side wall (1,456 square feet) detached garage (accessory building) on a lake front lot. The proposed building would be located on the north side of his lot. A row of mature evergreen trees are located between the proposed site and the road so only the west end of the building would be visible from the road as you drive by. The Lake Park setback requirements will all be met." Mr. Haugen also described the site plan using visuals. Chair Robbins requested that the applicants come forward and address the board. The applicants identified themselves as Jason and Tammy Dearduff. Mr. Dearduff stated, "We have just moved here and need storage for a boat, camper if it will fit with the 10 foot walls, vehicles and other storage." Chair Robbins opened up for questions from the board. Board member Pierce asked, "Do you live full-time at this residence?" Mr. Dearduff stated, "Yes." The board discussed the distance between the possible new structure and existing garage as well as the closeness to a row of trees. Mr. Haugen and Mr. Dearduff noted the distance between structures would be 12-15 feet and there would still be adequate distance to walk and mow between the trees and the new structure. Board member Pierce brought up a question in regards to the 10 foot sidewall height per current zoning restrictions vs the possibility of asking for a 12 foot sidewall allowance. Chair Robbins asked for further comments from the board. Board member Pierce commented that trees are an important buffer and should be maintained. Chair Robbins opened up to the audience, hearing none he asked for additional comments from the board. Board member Elenkiwich asked a question in regards to the age of the evergreens and if they would maintain, replace any that would possibly die in the future. Mr. Dearduff stated, "Yes we would want to maintain the trees as a buffer." Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Randy Jensen moved to amend the motion to allow for a 12 foot side-wall. Terrell Spence second. Chair Robbins noted the amendment was up for discussion and asked if the board had any questions, hearing none. Chair Robbins opened up to the audience, hearing none he asked for additional comments from the board, hearing none. Chair Robbins called for a roll-call vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Robbins-aye. 9-ayes, 0-nay, Amendment passed. Chair Robbins then stated we now have the motion amended to read to build a 28 feet x 52 feet x 12 feet side wall (1,456

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square feet) accessory building. Chair Robbins asked for any discussion on the main motion as read, hearing none. Chair Robbins called for a roll-call vote: Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Nelson-aye, Elenkiwich-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item # 10: 2016cu017: Jeraldine T. Weinacht has made an application, 2016cu017, to the Brookings County Planning and Zoning Commission for a conditional use. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 16: "One manufactured or mobile home as a secondary residence, on an established farmstead to be used for the occupancy of a farm employee, or by parents, grandparents, children or brothers and sisters of the occupant of the land, provided that said mobile home is removed within ninety (90) days of the vacation there from by the qualified occupant or occupants."** The property is described as: **"Block 1 of Tisdal Addition in S1/2 SE1/4 of Section 33, T110N, R51W (Volga Township)"** ~~ located at **46246 214th St, Volga, SD 57071.**

Robert Rochel moved to approve the conditional use request. Darrel Kleinjan second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Jeraldine Weinacht has applied for a conditional use to move in a previously occupied, 1992, 16 feet x 76 feet mobile home, for her granddaughter to live in. The home meets the Brookings County Zoning Ordinance Article 18: Minimum Mobile/Manufactured Home Requirements, Section 18:01 – 4: "Must have been constructed after June 15, 1976." She will need the written consent of the adjoining landowner's within 200 feet before a building permit would be issued for the mobile home to be moved in, per the Brookings County Zoning Ordinance Article 18: Section 18:01-2b. Letters were sent to adjoining landowner's, Volga Township Chairman and Clerk and we have not heard any comments." Mr. Haugen then using visuals went over the site plan. Chair Robbins asked Ms. Weinacht to come forward and address the board.

Ms. Weinacht noted that her address was incorrect as stated and is 46260 214th St, Volga, SD. She then stated, "This is to allow for temporary housing for my granddaughter and her family while they look for housing around the Volga area. We felt it would be a safer location for her and her family out in the country." Board member Pierce asked for clarification as to the allowance of grandchildren under the ordinance. Mr. Hill noted that it is not word for word but grandchildren fall under the noted children. Board member Rochel stated, "In the past the interpretation was that grandchildren would fall under the classification of children." Mr. Hill stated, "It will be noted that the wording grandchildren may be added when working on updating the Ag portion of the ordinance." Board member Pierce asked for more information on the mobile home. Anna Peters introduced herself and stated she was Ms. Weinacht's granddaughter and stated, "The mobile home is owned by Marv Post and is located a couple miles away." Mr. Haugen commented that it was stated in his report that the mobile home was a 1992. Board members discussed: 1) Timeline for how long the mobile home would be in place, 2) provisions for water and sewer, 3) rule that the mobile home would need to be removed 90 days after the granddaughter and her family moved out and would only be allowable under the granddaughter and her family and no other family member could move in without reapplying. Ms. Weinacht stated, "We have contacted someone about installation of a sewer system, Sioux Valley Energy and Kingbrook Rural Water." Mr. Haugen presented the board and audience with a visual of the mobile home. Chair Robbins asked for further comments from the board, hearing none he opened up to the audience, hearing none.

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Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Elenkiwich-aye, Rochel-aye, Nelson-aye, Kleinjan-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item #11: Consideration of Plats: a. 2016plat005: "Plat of Lots 1 & 2 of Block 2 of Brookstone Addition in the SE1/4 of Section 17, T109N, R49W of the 5th P.M., Brookings County, South Dakota."** Board member Robert Rochel abstained and removed himself from the board at this time. Alternate board member Roger Erickson took his position on the board. Darrell Nelson moved to approve the plat. Terrell Spence second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "This is the Tim Gutormson property and they subdividing the building site from the pasture. The building site (Lot 1) is about 18.1 acres and the balance, about 21.8 acres (Lot 2) would be the pasture. Lot 2 is not a buildable site for a residence as it does not meet the minimum 35 acre requirement." Mr. Haugen used visuals to describe the plat. Chair Robbins opened up for questions from the board, hearing none. Chair Robbins opened up for discussion from the audience, seeing none. Chair Robbins asked the board for questions or comments, hearing none he called for a roll-call vote: Spence-aye, Jensen-aye, Pierce-aye, Erickson-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins stepped down due to conflict of interest. Kimberly Elenkiwich assumed position as Chairperson, Robert Rochel resumed his seat and Roger Erickson took Jeff Robbins seat.

Chair Elenkiwich read **agenda item b. 2016plat006: "Plat of Lot 12 Dakota Shores Second Subdivision in Section 15, T112N, R47W of the 5th P.M., Brookings County, South Dakota."** Lee Ann Pierce moved to approve the plat. Randy Jensen second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Zylstra is platting off a final plat for Lot 12 of Dakota Shores Second Subdivision. His preliminary plat was approved by the board on October 7th, 2014. Since his preliminary plat was approved he has completed the final plat of Lots 6, 7, 8, 9 and 11. Lot 12 would exceed the 20,000 sq. feet lot size requirement and the lot would be a non-lake front lot." Mr. Haugen described and presented visuals of the requested plat area. Chair Elenkiwich opened up for questions from the board. Chair Elenkiwich asked a question regarding the buildable area. Mr. Haugen stated, "A small shed could be constructed on Lot 12 and meet current zoning requirements." Chair Elenkiwich opened up for discussion from the audience, seeing none. Chair Elenkiwich asked the board for questions or comments, hearing none she called for a roll-call vote: Jensen-aye, Pierce-aye, Rochel-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Erickson-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Jeff Robbins resumed Chair seat, Kimberly Elenkiwich and Roger Erickson resumed their seats.

Chair Robbins read **agenda item # 12: Department Reports.** Chair Robbins asked Mr. Hill for his Directors report. Mr. Hill noted that the Ag and Lake-Park Subcommittees have met once or twice since the last meeting. He thanked Mr. Haugen for filling in at the subcommittee meeting when he was absent. Mr. Hill also wanted to remind board member of this being the season for West Nile and to be cautious. He also

noted that he would be busy with Emergency Management over the next two months and to contact Richard or Rae Lynn with any needs. Mr. Haugen presented his staff report. He stated, "A customer had called the office regarding the possibility of placing a campground on 47 acres that they own on the west side of Lake Sinai. The area is zoned Ag, it was rezoned from Natural Resources in 2013." He presented the board with visuals of the area in question. Board members discussed the request and directed staff to talk to the possible applicant about: road concerns, sanitary needs of a campground, sewer system, storm shelter needs. Board member Darrell Nelson noted he had a question that came to his attention. He stated, "I understand at the State level steps are being made to enact a River Basin Conservation District in South Dakota and I was just wondering if you have any information on this?" Mr. Hill, Luke Muller and Mr. Haugen noted they had heard things were in the works (a pilot) but nothing has been brought to the counties attention at this time. Mr. Hill brought up the timeline for the start of the public hearing portion of the ordinance revisions to possibly take place in October.

Chair Robbins asked for a motion to adjourn. Michael Vande Weerd made a motion to adjourn the meeting, Terrell Spence second. Chair Robbins called for a voice vote. 9-ayes, 0-nays.

Chair Robbins adjourned the meeting at 10:00 PM.

Rae Lynn Maher
Brookings County
Development Department.